

RECOGNITION OF LOAD-LINE CERTIFICATES

*Exchange of notes at Washington August 26 and November 16, 1931,
and March 18, April 22, June 29, and September 30, 1932;
Netherlands decrees of October 8, 1931, and January 29, 1932
Entered into force September 30, 1932
Terminated January 1, 1933*¹

48 Stat. 1757; Executive Agreement Series 42

EXCHANGE OF NOTES

The Acting Secretary of State to the Netherland Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON, August 26, 1931

SIR:

Further reference is made to the Legation's note No. 113, dated January 20, 1931, enclosing copies of the Netherland Shipping Act and Royal Decree and Order in Council relating to load lines for the consideration of this Government in relation to its proposal to the Netherland Government to conclude a reciprocal load line agreement with this Government pending the coming into force of the International Load Line Convention.

Note has been made of the Legation's statement that the laws, rules and regulations pertaining to load lines for vessels now enforced by the Netherland Government are identical with those enforced by the Government of Great Britain, with the sole exception of the rules and regulations pertaining to the carriage of deck cargoes of wood goods.

The competent authorities of this Government consider that the 1906 rules of the British Board of Trade, concerning load lines, are as effective as the United States Load Line Regulations for the determination of load lines on ordinary merchant vessels. The rules of the Netherland Government for determining the load lines of vessels with wood cargoes have been examined by these authorities and have likewise been found to be as effective as the

¹ Upon entry into force for the United States and the Netherlands of the International Load Line Convention of July 5, 1930 (TS 858, *ante*, vol. 2, p. 1076).

rules contained in the United States Load Line Regulations applicable to vessels carrying wood cargo on deck.

Pending the coming into effect of the International Load Line Convention in the United States and the Netherlands, the competent authorities of the Government of the United States are prepared to recognize the load line marks and the certificate of such marking of merchant vessels of the competent authorities of the Netherlands Government as equivalent to their own load line marks and certificates of marking: provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issuance of the certificate, as to affect calculations on which the load line was based, and that alterations have not been made so that the—

- (1) Protection of openings,
- (2) Guard Rails,
- (3) Freeing Ports,
- (4) Means of Access to Crews Quarters,

have made the vessel manifestly unfit to proceed to sea without danger to human life.

It will be understood that on the receipt of a note from you to the effect that the competent authorities of the Netherlands Government will give full recognition to the load line marks made and the certificates issued by the competent authorities of this Government and expressing the Netherlands Government's concurrence in the foregoing understanding, the reciprocal agreement will become effective.

Accept, Sir, the renewed assurances of my high consideration.

W. R. CASTLE, Jr.
Acting Secretary of State

MR. L. G. VAN HOORN,
Chargé d'Affaires ad interim
of the Netherlands.

The Netherlands Minister to the Secretary of State

No. 3956

ROYAL NETHERLAND LEGATION
WASHINGTON, D.C., 16 November 1931

SIR:

I have the honor to refer to the Department's note of August 26, 1931, No. 856.8561/4, concerning the conclusion of a reciprocal load line agreement between the United States of America and the Netherlands pending the coming into force of the International Load Line Convention.

Pursuant to instructions from the Minister of Foreign Affairs at The Hague, I beg leave to transmit herewith four copies of the Royal Decree of October 8, 1931,² published in the Collection of Official Documents ("Staatsblad") No. 414, by which the laws, rules and regulations pertaining to load lines for vessels now enforced by the United States Government are recognized by the Netherlands Government.

I am further requested to inform Your Excellency that the Netherlands Government has designated the following bureaus as private investigation bureaus recognized in accordance with the "Schepenwet" (Netherlands Merchant Shipping Act of July 1, 1909):

1. Lloyd's Register of British and Foreign Shipping;
2. British Corporation for the survey and registry of shipping;
3. Bureau Veritas;
4. Germanischer Lloyd;
5. Det Norske Veritas.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

J. H. VAN ROIJEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

The Netherlands Minister to the Secretary of State

No. 935

LÉGATION DES PAYS-BAS
WASHINGTON, D.C., 18 March 1932

SIR:

Pursuant to instructions received from my Government, I have the honor to enclose herewith copy of the Royal Decree of January 29, 1932,³ (*Official Gazette* No. 25) regarding load line regulations in the Netherlands, purporting modification of the Royal Decree of September 22, 1909, which was amended last by Royal Decree of November 4, 1926 and copy of which was transmitted to Your Excellency by my note of January 20, 1931, No. 113.

According to this new Decree in certain cases a somewhat more lenient rule may be adopted in the Netherlands with regard to load line marks, provided this will not endanger ship and crew and will be in conformity with the minimum requirements as stipulated in the International Load Line Convention of London of July 5, 1930.

² For text, see p. 120.

³ For text, see p. 121.

I may remark at the same time that the Netherland Government, according to this measure, has already put into force the stipulations of the London Convention before it has been ratified.

Please accept, Sir, the renewed assurances of my highest consideration.

J. H. VAN ROIJEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

The Acting Secretary of State to the Netherlands Minister

DEPARTMENT OF STATE
WASHINGTON, *April 22, 1932*

SIR:

I have the honor to refer to your note No. 3956, dated November 16, 1931, and likewise to your note No. 935 of March 18, 1932, both of which relate to the proposed load-line agreement between the Governments of the United States and the Netherlands.

It is noted that the Government of the Netherlands has designated the following bureaus as private investigation bureaus recognized in accordance with the "Schepenwet" (Netherlands Merchant Shipping Act of July 1, 1909):

1. Lloyd's Register of British and Foreign Shipping;
2. British Corporation for the survey and registry of shipping;
3. Bureau Veritas;
4. Germanischer Lloyd;
5. Det Norske Veritas.

The United States Government is willing to recognize the load-line certificates issued by the aforementioned classification societies to merchant ships of the Netherlands when they are issued under the authority thus granted by the Netherland Government.

This Government has authorized the marking of load-lines and the issuance of certificates therefor, on American vessels, by the American Bureau of Shipping, the American Committee of Lloyd's Registry of Shipping, and the American representatives of the Bureau Veritas.

The Government of the United States is also willing to recognize the certificates issued by the Netherland Government pursuant to the Royal Decree of January 29, 1932, (*Official Gazette* No. 25) which amends certain regulations under the Shipping Law of the Netherlands so as to allow the assignment of smaller freeboards than hitherto authorized provided it can be done without danger to ship and crew, and that the freeboards so as-

signed are in accordance with the provisions contained in the International Load Line Convention of July 5, 1930.

Note has been taken of Royal Decree No. 414 of October 8, 1931, by which the provisions in force in the United States in regard to the minimum water-line as established under the law of March 2, 1929, will be recognized by the Netherland Government. It is the view of this Government, therefore, that the agreement for the recognition by each Government of the loadlines marked and of the certificates issued under the authority of the other Government, may now be regarded as complete.

Accept, Sir, the renewed assurances of my highest consideration.

W. R. CASTLE, Jr.
Acting Secretary of State

Mr. J. H. VAN ROIJEN,
Minister of the Netherlands.

The Netherlands Minister to the Secretary of State

LÉGATION DES PAYS-BAS
WASHINGTON, D.C., 29 June 1932

No. 2168

SIR:

Referring to my note of April 27, 1932, No. 1393, regarding the load-line agreement between the Governments of the Netherlands and the United States and to the third paragraph of Your Excellency's letter of April 22, 1932 on the same subject, I have the honor, pursuant to instructions received from The Hague, to inform you, that, according to article 34 of the Royal Decree of 1929, referred to in articles 5, 9 and 17 of the "Schepenwet" (Netherland Merchant Shipping Act) of July 1, 1909 published in the "Staatsblad" (*Official Gazette*) No. 219 of said year,—of which two documents I presented you with a copy by my letter of January 20, 1931, No. 113,—the Netherland load-line certificates are exclusively issued by the "Commissie tot Vaststelling van de minimum-Uitwatering" (Commission for the Determination of loadlines) and never by the classification societies even when recognized in accordance with the "Schepenwet".

These classification bureaux, when recognized by the Netherland Government, act on the subject of the marking of loadlines and the issuance of certificates, only in advisory capacity; however, the advice of the majority of these bureaux is generally followed.

I avail myself of this opportunity to renew to you Sir, the assurances of my highest consideration.

J. H. VAN ROIJEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

The Netherlands Minister to the Secretary of State

LÉGATION DES PAYS-BAS

No. 3031

WASHINGTON, D.C., 30 September 1932

SIR:

By note of April 27, 1932, No. 1393, I had the honour to inform Your Excellency that I did not fail to communicate to the Department of Foreign Affairs at The Hague the contents of Your communication of April 22, 1932, regarding the LOADLINE AGREEMENT between the Governments of The Netherlands and the United States.

I am now instructed by the Minister of Foreign Affairs and take pleasure to inform Your Excellency that it is also the view of the Royal Government that said agreement for the recognition by each Government of the loadlines marked and of the certificates issued under the authority of the other Government, may now be regarded as complete.

I avail myself of this opportunity to renew to You, Sir, the assurances of my highest consideration.

J. H. VAN ROIJEN

THE HONORABLE

THE SECRETARY OF STATE

Washington, D.C.

NETHERLANDS DECREES

[TRANSLATION]

OFFICIAL GAZETTE OF THE KINGDOM OF THE NETHERLANDS

(No. 414.) DECREE of October 8, 1931, recognizing the minimum freeboard regulations in force in the United States.

WE, WILHELMINA, BY THE GRACE OF GOD, QUEEN OF THE NETHERLANDS, PRINCESS OF ORANGE-NASSAU, ETC., ETC., ETC.

On the recommendation of Our Minister of Waterways (Waterstaat) of October 2, 1931, La. L. Transportation and Mining Section, have approved and agreed as follows on the basis of article 67, paragraph 1, under *a*, of the Law on Shipping:

That the provisions in force in the United States in regard to the minimum freeboard, as fixed by the law of March 2, 1929, shall be recognized as having fully the same extent and scope as the provisions of law in force in this country in regard to the minimum freeboard.

Our Minister of Waterways is intrusted with the execution of this decree, which shall be inserted in the *Official Gazette*.

Het Loo, October 8, 1931.

WILHELMINA

The Minister of Waterways,

P. J. REYMER.

Published October 26, 1931

The Minister of Justice

J. DONNER

(No. 25.) DECREE of January 29, 1932, in further amendment of the general administrative regulations under Articles 5, 9, and 17 of the Shipping Law, promulgated by Royal Decree of September 22, 1909 (*Official Gazette* No. 315), last amended by Royal Decree of November 4, 1926 (*Official Gazette* No. 369).

WE, WILHELMINA, BY THE GRACE OF GOD, QUEEN OF THE NETHERLANDS, PRINCESS OF ORANGE-NASSAU, ETC., ETC., ETC.

On the recommendation of Our Minister of Waterways, of January 9, 1932, La. G.G., Transportation and Mining Division;

The Council of State having been consulted, opinion of January 19, 1932, No. 21;

In view of the further report of Our Minister aforesaid, of January 25, 1932, La. F., Transportation and Mining Division;

Referring to articles 5, 9 and 17 of the Shipping Law;

Have approved and agreed:

The following amendment is made to the general administrative regulations mentioned in articles 5, 9 and 17 of the Shipping Law, promulgated by Royal Decree of September 22, 1909 (*Official Gazette* No. 315), last amended by Royal Decree of November 4, 1926 (*Official Gazette* No. 369):

ARTICLE I

A new paragraph is added to article 54, reading as follows:

"3. Whenever it can be done without danger to ship and crew, a smaller freeboard may be permitted by the commission mentioned in article 39, under the stipulations to be made by it, than in accordance with the provisions of this decree, provided that as a minimum the requirements established concerning the freeboard of ships by the convention concluded at London on July 5, 1930, be met."

ARTICLE II

This decree goes into effect on the second day after the date of the *Official Gazette* in which it appears.

Our Minister of Waterways is intrusted with the execution of this decree, which is to be inserted in the *Official Gazette*, and a copy of which shall be sent to the Council of State.

The Hague, January 29, 1932.

WILHELMINA

The Minister of Waterways,

P. J. REYMER.

Published February 11, 1932

The Minister of Justice,

J. DONNER